



General Assembly

**Substitute Bill No. 157**

January Session, 2007

\* SB00157JUD\_\_050107\_\_ \*

**AN ACT PROHIBITING "ROBO" CALLS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2007*) As used in sections 1 to 5,  
2 inclusive, of this act:

3 (1) "Automatic dialing-announcing device" means a device that  
4 selects and dials telephone numbers and, working alone or in  
5 conjunction with other equipment, disseminates a prerecorded or  
6 synthesized voice message to the telephone number called.

7 (2) "Caller" means a person, corporation, firm, partnership,  
8 association, or legal or commercial entity that attempts to contact, or  
9 who contacts, a subscriber in this state by using a telephone or a  
10 telephone line.

11 (3) "Subscriber" means a person who subscribes to telephone service  
12 from a telephone company or any other persons living or residing with  
13 the subscribing person.

14 (4) "Message" means any telephone call, regardless of its content.

15 Sec. 2. (NEW) (*Effective October 1, 2007*) No caller shall use or  
16 connect to a telephone line an automatic dialing-announcing device for  
17 the purpose of leaving a message unless the message is immediately  
18 preceded by a statement in the voice of the candidate for public office

19 identifying the purpose of the message and that the candidate is using  
20 an automatic dialing-announcing device.

21     Sec. 3. (NEW) (*Effective October 1, 2007*) No caller shall use an  
22 automatic dialing-announcing device unless the device is designed  
23 and operated to disconnect not later than ten seconds after termination  
24 of the telephone call by the subscriber.

25     Sec. 4. (NEW) (*Effective October 1, 2007*) No caller shall use an  
26 automatic dialing-announcing device earlier than nine o'clock a.m. or  
27 later than nine o'clock p.m., or at any time on Saturday or Sunday. The  
28 provisions of this section shall not be construed to apply to (1)  
29 messages from school districts to students, parents or employees, (2)  
30 messages to subscribers with whom the caller has a current business or  
31 personal relationship, or (3) messages advising employees of work  
32 schedules.

33     Sec. 5. (NEW) (*Effective October 1, 2007*) No caller shall use an  
34 automatic dialing-announcing device to connect to a cellular  
35 telephone.

36     Sec. 6. (NEW) (*Effective October 1, 2007*) Any person who receives a  
37 telephone call in violation of sections 1 to 5, inclusive, of this act may  
38 bring an action in Superior Court to recover actual damages or  
39 statutory damages of two thousand dollars, whichever is greater, plus  
40 costs and reasonable attorneys' fees. In addition, the court may order  
41 injunctive or equitable relief. For purposes of this section, each  
42 telephone call received in violation of said sections shall constitute a  
43 separate and distinct violation.

44     Sec. 7. (NEW) (*Effective October 1, 2007*) (a) The Attorney General  
45 may issue subpoenas or interrogatories requiring production of  
46 evidence or testimony concerning a violation of sections 1 to 5,  
47 inclusive, of this act. The Attorney General may apply to the Superior  
48 Court to enforce any subpoena or interrogatories issued pursuant to  
49 this subsection.

50 (b) The Attorney General may file a civil action in Superior Court to  
51 enforce the provisions of this section and to enjoin further violations of  
52 sections 1 to 5, inclusive, of this act. The Attorney General may recover  
53 actual damages or statutory damages of twenty-five thousand dollars,  
54 whichever is greater, for each violation of sections 1 to 5, inclusive, of  
55 this act. For purposes of this section, each telephone call received in  
56 violation of sections 1 to 5, inclusive, of this act shall constitute a  
57 separate and distinct violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	New section
Sec. 3	<i>October 1, 2007</i>	New section
Sec. 4	<i>October 1, 2007</i>	New section
Sec. 5	<i>October 1, 2007</i>	New section
Sec. 6	<i>October 1, 2007</i>	New section
Sec. 7	<i>October 1, 2007</i>	New section

**JUD**      *Joint Favorable Subst.*